S T A T E O F N E W Y O R K

1226

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to actions against municipal corporations with respect to in rem property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 71-c to read as follows:

S 71-C. LIABILITY INCIDENT TO OWNERSHIP OF DANGEROUS, DEFECTIVE OR UNSAFE REAL PROPERTY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO CAUSE OF ACTION, ACCRUING WITHIN A PERIOD OF TWO YEARS SUBSEQUENT TO THE ACQUISITION OF REAL PROPERTY BY A MUNICIPAL CORPORATION PURSUANT TO FORECLOSURE OF A TAX LIEN BY AN ACTION IN REM, SHALL BE MAINTAINED AGAINST ANY SUCH MUNICIPAL CORPORATION, OR ANY OFFICER, AGENT OR EMPLOYEE THEREOF, TO RECOVER DAMAGES FOR PERSONAL INJURY, INCLUDING DEATH OR INJURY TO PROPERTY, SUSTAINED OR ARISING BY REASON OF SUCH REAL PROPERTY BEING OUT OF REPAIR OR IN A DANGEROUS, DEFECTIVE OR UNSAFE CONDITION.

S 2. This act shall take effect immediately and shall apply to all actions and proceedings pending on or commenced on or after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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